REMARKS

I.   Introduction

Claims 1-19 are pending in the application. In the Office Action dated July 20, 2006, claims 1-19 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over U.S. Pat. No. 6,442,611. Additionally, claims 1-4, 6-8, 10-14, and 16-18 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,634,127 ("Cloud"); claims 5 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cloud; and claims 9 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Coud in view of U.S. Pat No. 5,819,092 ("Ferguson"). In this Amendment, claims 1-19 have not been amended and claim 20 has been added. Applicants respectfully request reconsideration and withdrawal of the rejections to the claims.

II.   Double Patenting Rejection

Claims 1-19 were rejected under the judicially created doctrine of double patenting as being unpatentable over U.S. Pat. No. 6,442,611. Upon a determination by the Examiner that the claims are allowed absent the double patenting rejection, Applicants will file a terminal disclaimer to overcome the double patenting rejection.

III.   Cloud Does Not Render Independent Claim 1 Unpatentable

Claim 1 recites transmitting a set of data access transactions to respective applications, **wherein at least some of the set of data access transactions comprise a first optional data item, and wherein the respective applications process the set of data access transactions even when the respective applications do not recognize the first optional data item**. Cloud fails to disclose at least this element.

Cloud is directed to methods and apparatus for implementing a message driven processor in a client-server environment. In the Office Action dated July 20, 2006, the Examiner cited Col. 11, lines 27-34 as disclosing the element transmitting a set of data access transactions to respective applications, wherein at least some of the set of data access transactions comprise a first optional data item, and wherein the respective

5

applications process the set of data access transactions even when the respective applications do not recognize the first optional data item. The cited portion of Cloud discusses decomposing a received message and invoking several tasks, but the cited portion of Cloud does not discuss optional data items, or applications processing data access transactions when the applications do not recognize the optional data items in any way.

Due to the fact Cloud fails to disclose at least transmitting a set of data access transactions to respective applications, **wherein at least some of the set of data access transactions comprise a first optional data item, and wherein the respective applications process the set of data access transactions even when the respective applications do not recognize the first optional data item**, Cloud, as contemplated by the Examiner, necessarily does not anticipate, or render obvious, independent claim 1, or any claim that depends on claim 1. Applicants respectfully request reconsideration and withdrawal of the rejections to the claims.

IV. The Proposed Combinations Do Not Render Claim 1 Unpatentable

Ferguson is directed to an online service development tool with fee setting capabilities. Like Cloud, Ferguson fails to disclose the element transmitting a set of data access transactions to respective applications, **wherein at least some of the set of data access transactions comprise a first optional data item, and wherein the respective applications process the set of data access transactions even when the respective applications do not recognize the first optional data item**. Due to the fact Cloud and Ferguson fails to disclose at least this element, the proposed combinations of Cloud and Ferguson as contemplated by the Examiner necessarily does not render independent claim 1, or any claim that depends on claim 1, unpatentable.

V. Cloud Does Not Render Independent Claim 10 Unpatentable

Claim 10 recites at least some of a set of data access transactions comprise a first optional data item, and that a plurality of applications are operative to process the set of data access transactions even when the plurality of applications do not recognize

6

the first optional data item. As explained above, the portion of Cloud cited by the Examiner fails to disclose this element.   For at least this reason, Cloud, as contemplated by the Examiner, necessarily cannot anticipate, or render obvious, independent claim 10, or any claim that depends on claim 10.

VI.   The Proposed Combinations Do Not Render Claim 10 Unpatentable

Claim 10 recites at least some of a set of data access transactions comprise a first optional data item, and that a plurality of applications are operative to process the set of data access transactions even when the plurality of applications do not recognize the first optional data item. As discussed above, Cloud and Ferguson fail to disclose at least this element. For at least this reason, the proposed combinations of Cloud and Ferguson, as contemplated by the Examiner, necessarily cannot render independent claim 10, or any claim that depends on claim 10, unpatentable.

VII.   Cloud Does Not Render Independent Claim 20 Unpatentable

New claim 20 recites transmitting a set of data access transactions to respective applications, wherein at least some of the set of data access transactions comprise a first optional data item, and wherein the respective applications process the set of data access transactions even when the respective applications do not recognize the first optional data item. As explained above, the cited portion of Cloud fails to disclose this element. For at least this reason, Cloud, as contemplated by the Examiner, necessarily cannot anticipate, or render obvious, new claim 20.

VIII.   The Proposed Combinations Do Not Render Claim 20 Unpatentable
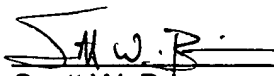
New claim 20 recites transmitting a set of data access transactions to respective applications, wherein at least some of the set of data access transactions comprise a first optional data item, and wherein the respective applications process the set of data access transactions even when the respective applications do not recognize the first optional data item. As discussed above, Cloud and Ferguson fail to disclose at least this element. For at least this reason, the proposed combinations of Cloud and

Ferguson, as contemplated by the Examiner, necessarily cannot render independent claim 20 unpatentable

IX.   Conclusion

In view of the foregoing remarks, Applicants submit that the pending claims are in condition for allowance. Reconsideration is therefore respectfully requested. If there are any questions concerning this Amendment, the Examiner is asked to phone the undersigned attorney at (312) 321-4200.

Respectfully submitted,

Scott W. Brim
Registration No. 51,500
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200